

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

NRG ENERGY, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. _____
	)	
PUBLIC SERVICE COMMISSION OF	)	
THE STATE OF DELAWARE, and	)	
ARNETTA MCRAE, JAYMES B.	)	
LESTER, JOANN CONAWAY, DALLAS	)	
WINSLOW and JEFFREY CLARK, in	)	
their capacities as Commissioners,	)	
	)	
Defendants.	)	

**MOTION TO ALLOW THE FILING UNDER SEAL OF THE PAPERS  
IN SUPPORT OF AND IN OPPOSITION TO PLAINTIFF'S MOTION FOR A  
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Plaintiff, NRG Energy, Inc. ("NRG"), through his undersigned counsel, hereby moves the Court for an order pursuant to Court of Chancery Rule 5(g)(2) permitting the parties to file under seal the papers submitted in support of and opposition to Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction.

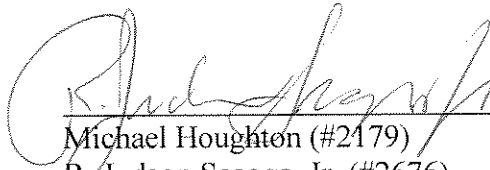
NRG has moved for a temporary restraining order and preliminary injunction to enjoin Defendants Public Service Commission of the State of Delaware and its Commissioners from releasing to the public any of NRG's confidential information that is not currently part of the public record in Public Service Commission Docket No. 06-241 captioned "In the Matter of Integrated Resource Planning for the Provision of Standard Offer Supply Service by the Delmarva Power & Light Company Under 26 *Del. C.* § 1007(c) & (d): Review and Approval of

the Request for Proposals for the Construction of New Generation Resources Under 26 *Del. C.* § 1007(d).”

NRG is one of three bidders who have submitted proposals to construct and operate new generation facilities in exchange for a long-term contract to sell electricity to Delmarva Power & Light (“Delmarva”). The papers submitted in support of and in opposition to Plaintiff’s Motion for Temporary Restraining Order and Preliminary Injunction will necessarily describe the material that NRG contends should not be publicly disclosed. NRG’s proposal details its plans to build a clean coal facility in Indian River, Delaware using a specific application of newly-developed Integrated Gasification Combined Cycle (IGCC) technology. The parties’ papers will include nonpublic technical, commercial and financial information concerning, among other confidential items, NRG’s use of the IGCC technology in the proposed Indian River facility, current and proposed operating data, potential financing terms, and the terms of NRG’s proposed contract with Delmarva. Public disclosure of this confidential and proprietary material would substantially harm NRG’s competitive position in this and other bidding processes. Public disclosure would also reveal the work product of NRG and its consultants to NRG’s competitors.

NRG, therefore, respectfully requests that the Court issue an Order in the form attached hereto permitting the parties to file under seal the papers in support of and in opposition to Plaintiff’s Motion for Temporary Restraining Order and Preliminary Injunction, subject to the requirement under Rule 5(g) that the parties file public versions of all documents within the specified time limits.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

A handwritten signature in dark ink, appearing to read "R. Judson Scaggs, Jr.", is written over a horizontal line.

Michael Houghton (#2179)

R. Judson Scaggs, Jr. (#2676)

Geoffrey Sawyer (#4754)

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*Attorneys for Plaintiff, NRG Energy, Inc.*

March 21, 2007

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

NRG ENERGY, INC.,	)	
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Plaintiff,	)	
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v.	)	Civil Action No. _____
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PUBLIC SERVICE COMMISSION OF	)	
THE STATE OF DELAWARE, and	)	
ARNETTA MCRAE, JAYMES B.	)	
LESTER, JOANN CONAWAY,	)	
DALLAS WINSLOW and JEFFREY	)	
CLARK, in their capacities as	)	
Commissioners,	)	
	)	
Defendants.	)	

**ORDER ALLOWING THE FILING UNDER SEAL OF THE PAPERS IN  
SUPPORT OF AND IN OPPOSITION TO PLAINTIFF’S MOTION FOR  
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

WHEREAS, Plaintiff, NRG Energy, Inc. (“NRG”) has moved the Court for an Order permitting the parties to file under seal the papers in support of and in opposition to Plaintiff’s Motion for Temporary Restraining Order and Preliminary Injunction;

WHEREAS, NRG has moved for a temporary restraining order and preliminary injunction to enjoin Defendants Public Service Commission of the State of Delaware and its Commissioners from releasing to the public any of NRG’s confidential information that is not currently part of the public record in Public Service Commission Docket No. 06-241, captioned “In the Matter of Integrated Resource Planning for the Provision of Standard Offer Supply Service by the Delmarva Power & Light Company

Under 26 *Del. C.* § 1007(c) & (d): Review and Approval of the Request for Proposals for the Construction of New Generation Resources Under 26 *Del. C.* § 1007(d)”;

WHEREAS, the papers in support of and opposition to Plaintiff’s Motion for Temporary Restraining Order and Preliminary Injunction will necessarily refer to the confidential material at issue;

WHEREAS, NRG seeks an order allowing it to keep this information confidential;

IT IS HEREBY ORDERED this \_\_\_\_ day of March, 2007, that, pursuant to Court of Chancery Rule 5(g)(2), the parties may file under seal submissions in support of and in opposition to Plaintiff’s Motion for Temporary Restraining Order and Preliminary Injunction, subject to the requirements in Rule 5(g) for the filing of public versions of those submissions.

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Chancellor William B. Chandler, III